



CYPISA

Caring for our future

Umphakathi Okhathazekile Concerned Young People of South Africa

NPO Reg No: 078 436

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CYPISA Submission on proposed Films and Publications amendment bill

Dear Honourable Members of the Select Committee on Communications and Public Enterprises

On reviewing the proposed *Films and Publications amendment bill*, CYPISA would like to draw your attention to certain problematic areas within proposed Films and Publications Amendment Bill.

In an effort to dismantle these foreseen challenges and problems which this bill may bring about, CYPISA includes with this submission proposed suggestions to this Bill.

We thank you for taking the time to read and consider our written submission.

We are of the opinion that this proposed amendment bill will have extremely negative consequences on our youth, impacting the next generation, with whom we work on a daily basis.

CYPISA therefore regards this proposed amendment as a serious threat to the wellbeing and overall health of vulnerable groups such as women and the youth. If this proposed amendment would be accepted, pornography addiction will flood South Africa. This will translate into sexual and domestic violence. especially amongst vulnerable communities.

We believe that drastic steps need to be taken, to safeguard our next generation from becoming sex obsessed adults.

Sincerely,

Dr Elfrieda Fleischmann

WRITTEN SUBMISSION:

PROPOSAL of the FILMS AND PUBLICATIONS AMENDMENT BILL due to be considered by the NATIONAL COUNCIL OF PROVINCES (NCOP) in the third term.

The Bill proposes:

1. A watering down / narrowing of the definition of "XX" material which will **only** prohibit the distribution of **pornography that contains explicit violence**. will result in more vile types of pornography and other degrading material becoming legally distributable amongst adults in South Africa (please see **note [i]** below); and
2. Legalising the **online** distribution of "X18" pornography to adults in South Africa.

INJUSTICE: WHY DOES CYP SA VIEW THE ABOVE PROPOSALS AS EXTREMELY DANGEROUS?

PROBLEMATIC PROPOSAL 1: Watering down the “XX” definition (prohibited material)

1. The proposed amendment set to mitigate the definition of prohibited material that may not be distributed at all in South Africa, is for us at grassroots, and previously marginalised groups, a great cause for concern. The Films and Publications Act (1996) at present outlaws material that –
 - Violates/disrespects human dignity, especially that of women;
 - Is degrading of human beings, especially women; and
 - Incites/promotes causing harm to human beings especially women and children.

2. The proposal in the Bill will replace these three prohibited material with a single definition prohibiting only **violent** pornography. The unintended consequences are that –
 - **Non-violent** sexual material that **violates human dignity**;
 - **ALL degrading material** that does not contain an element of explicit violence; and
 - Material that **incites** or **promotes harm** being done to human beings,

will become legally distributable in South Africa. CYP SA finds this unacceptable. Research supports the notion that pornography is addictive and therefore addicts progress to more and more explicit material, which translates into the use of violence. How can the source of rape, domestic violence and violence against women be offered so freely?

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CYPSA further rejects this proposed amendment, as it constitutes a clear violation of human dignity and will create public safety and public health risks in relation to people inciting others in society to harm themselves and/or others.

This is not in the interest of justice or in the public interest and cannot be justified on constitutional grounds.

CYPSA's suggestion is therefore to: i) Leave the provisions in the Act untouched (i.e. no amendments) or ii) redraft it to bring it in line with constitutional norms and values of South Africa.

PROBLEMATIC PROPOSAL 2: Legalising the ONLINE distribution of” X18” pornography to adults in South Africa

There exists [well documented scientific research evidence of the extensive individual \(physical and psychological\), relational and public \(health, safety and other social\) harm of pornography](#), which should first be given proper consideration, before a decision is taken about wide-spread dissemination of hard-core pornography to adults in South Africa through the internet (please see **note [iii]** below).

One of the most concerning harmful effects of pornography is the [perpetuation of sexual violence/abuse against children and women by adult men](#) trigger criminal acts through exposure to pornography. Studies by Prof. Judith Reisman and other scholars, highlights the fact that structural changes take place within the brain of a porn viewer. These changes include i) decreased brain matter in the right caudate of the caudate nucleus, ii) high jacking of the brain's reward system which negatively impacts motivation and working memory performance at work. Furthermore, there is substantial evidence that pornography has strong addictive and compulsive potential which shows progression (study from Cambridge, 2015) and translates in the fourth stage of pornography addiction into sexual abuse and rape against vulnerable groups such as women and children.

Observations:

1. Pornography use is rife in South Africa. According to [statistics](#), South Africa is in the **top 20** of all countries in the world for pornography site traffic, and **number one** for accessing pornography via smart phones.
2. Gender-based and domestic sexual violence is rife in South Africa. It is a matter of public record that mostly adult males exploit, abuse and violate women and children. South Africa has been labelled as the 'rape capital of the world'. Surely an amendment to this bill should rather restrict pornography than legalise it.
3. [Research / scientific evidence](#) shows that pornography use is a cause of gender-based sexual violence.

Inference:

The above observations are cause for proper investigation – preferably by way of official commission of enquiry – to critically consider the consequences for the whole of society when adults are exposed to adult pornography. In light hereof, the policy decision by government and the National Assembly and PCC to legalise the **online** distribution of pornography to **ALL** adults **without conducting an official and credible investigation into the effects of pornography on South African society**, is difficult to fathom and can be considered reckless. CYPISA is of further opinion that teens and youth, part of the Y generation, are digitally advanced and very capable of cracking passwords set by parents/guardians and/or act as persons over 18 years to view pornography. There is no surety that pornography will be kept out of the hands of young people. Furthermore, the pornography market, as with other markets, focusses on young viewers, so as to obtain clients for life. So, once again, society is full of victims because of a few powerful people's greed and insatiable ambition for wealth.

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The counter-proposal: In the interim – until such time as an official investigation has been conducted – as far as the distribution of hard-core (“X18” classified) pornography to adults is concerned, the current “licensed adult premises” regime (sections 24(1), (2) and 24A(3) of the Act) strikes a constitutionally justifiable balance between protection from harm and protection of human dignity (on the one hand) and freedom of expression (on the other).

NOTES

Note [i]:

For classification purposes, the Act deals with adult pornography in two ways:

1. **“XX” classification:** Obscene material, which may not be distributed **at all**, not even between adults; and
2. **“X18” classification:** Explicit/hard-core adult pornography (falling short of obscenity).

Up to now, the Act has provided that “X18” material may only legally be distributed to and accessed by **adults** within the four walls of a building that has been licenced as an “adult premises” – i.e. **adult** pornography may only be distributed **to adults** in these limited circumstances. All pornography that is currently freely available on the internet, is therefore illegal.

Note that “**child pornography**” is already illegal in South Africa.

Note [ii]:

Harms include, amongst others:

- Harms to viewers, both adult and children,
- Harms specific to viewers who are children;
- Harms to intimate partners and intimate partner relationships; and
- Harms to vulnerable groups in society (e.g. victims of sexual violence and crimes).

Specific forms of harm consist in the following, amongst others:

- loss of interest in sexual encounters with real people (as opposed to online representations), loss of libido;
- erectile dysfunction;
- sexual addiction/compulsivity which in turn will lead to violent pornography addiction;
- unhealthy expectations about sex and self-inflicted pressure to live up to imagery in pornography;
- devaluing of the opposite sex by viewing the opposite sex as objects to be used for sexual pleasure;
- acceptance of aggression as being part of a normal sexual experience;
- causing people with a predisposition to violence to act out in sexual violence against intimate partners;

- desensitisation towards and/or acceptance of rape and other sexual crimes;
- greater propensity to divorce and to commit infidelity;
- physiological brain changes which fuel addiction behaviour; and
- reduction in individuals' ability to critically assess harm (at the very least in attitude) towards others, while focusing on the impulsive benefit to themselves.

For more information on the public health implications of pornography, please follow this link:

http://endsexualexploitation.org/wp-content/uploads/NCOSE_Pornography-Public-Health_RESEARCH-SUMMARY_8-15-17-1.pdf